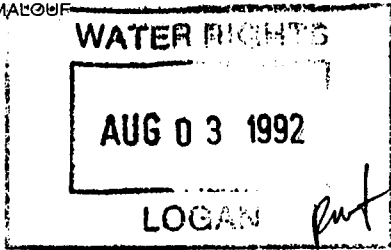


MALOUF LAW OFFICES

150 EAST 200 NORTH, SUITE D  
LOGAN, UTAH 84321

CARL E. MALOUF  
RAYMOND N. MALOUF

TELEPHONE  
(801) 752-9380



July 30, 1992

Mr. Robert M. Fotheringham  
Northern Regional Water Engineer  
55 East 100 North  
Logan, Utah 84321

Re: Boyd Larsen, Spring Creek, and Nard Allen

Dear Mr. Fotheringham:

This is to formally demand, on behalf of our client Boyd Larsen, that the State Water Engineer enforce the Memorandum decision of the state engineer of January 31, 1967, regarding application no. 37552(25-4548). Mr. Nard Allen is not honoring the water priority in Spring Creek awarded to Boyd Larsen's predecessor, A.T. Larsen, dated October 8, 1955. Mr. Nard Allen has constructed an impoundment that right now only allows water to flow to the Larsen diversion point after it reaches an overflow pipe. The water reaches the overflow pipe only if evaporation, losses due to the impoundment, and pumping do not interfere. All of those things are interfering with Mr. Larsen's priority rights so no water flows to the prior interest holder.

Enclosed is a copy of a statement signed July 29, 1992 by Randy Larsen, affirming that Mr. Allen's water impoundment receives approximately one-half second foot of water, but releases no water. Mr. Larsen is the water master at the Cove Irrigation Company, and is capable of evaluating such things. The observation was also confirmed by Boyd Larsen.

Please bring all the authority of your office, and other necessary action to cause the immediate and permanent enforcement of the state engineer's prior orders with respect to the priority right of Mr. Larsen to .75 cfs at his point of diversion from Spring Creek. In addition to the actual absence of the water, Mr. Larsen has been damaged by what he has had to pay me, loss of his own time in checking on the water, and possible damage to crops.

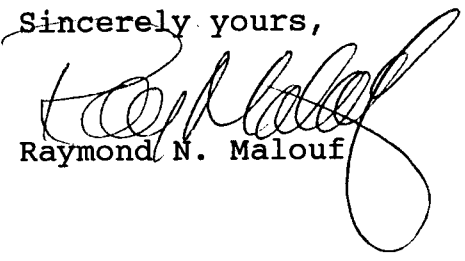
You have been furnished with copies of our prior correspondence to Mr. Nard Allen dated May 28, 1992 and June 17, 1992. Mr. Allen has not responded to the June 17 letter. Mr.

Mr. Robert M. Fotheringham  
July 30, 1992  
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Larsen is not interested in attempting to negotiate further with Mr. Allen. Thank you for your attention to this. Please let us know what you are doing.

Sincerely yours,



Raymond N. Malouf

RNM:mm  
Enclosure  
cc: Boyd Larsen/enc.  
c:larsnh2o.rml